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| APPLICATION NO.      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|----------------------|-------------|----------------------|-------------------------|------------------|
| 10/673,673           | 09/29/2003  | Aaron Bangor         | 1033-T00533             | 2302             |
| 60533                | 7590        | 06/20/2007           | EXAMINER                |                  |
| TOLER SCHAFFER, LLP  |             |                      | PHANTANA ANGKOOL, DAVID |                  |
| 8500 BLUFFSTONE COVE |             |                      |                         |                  |
| SUITE A201           |             |                      | ART UNIT                | PAPER NUMBER     |
| AUSTIN, TX 78759     |             |                      | 2179                    |                  |
|                      |             |                      | MAIL DATE               | DELIVERY MODE    |
|                      |             |                      | 06/20/2007              | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |               |
|------------------------------|------------------------|---------------|
| <b>Office Action Summary</b> | Application No.        | Applicant(s)  |
|                              | 10/673,673             | BANGOR ET AL. |
|                              | Examiner               | Art Unit      |
|                              | David Phantana-angkool | 2179          |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 10-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Grossman et al., US PG PUB# 2004/0119761 A1 (hereinafter Grossman).

**As for independent claim 1:**

Grossman shows messaging system comprising:

- *an address menu having an identification field with more than one associated address fields, each of the address fields operable to maintain an address for a messaging receipt option; a graphical user interface operable to present the address menu (0053, Fig. 7 shows multiple address fields for a messaging receipt option).*

**As for dependent claim 2:**

Grossman shows the system of claim 1 wherein the identification field maintains a contact alias for a potential recipient of an outgoing message (0079).

**As for dependent claim 3:**

Grossman shows the system of claim 1, further comprising: a computer storing a first address menu for a first user and a second address menu for a second user; and an interface engine associated with the computer and operable to communicatively couple a remote computer associated with the first user to the computer storing the first address menu (0014, 0046, 0075).

**As for dependent claim 4:**

Grossman shows the system of claim 3 wherein the computer storing the first address menu is operable to initiate communication of internet protocol packets (Fig. 4# 450).

**As for dependent claim 5:**

Grossman shows the system of claim 3, wherein the remote computer is communicatively coupled to the computer storing the first address menu via a cable modem (0075).

**As for dependent claim 6:**

Grossman shows the system of claim 1, further comprising: a first address field associated with the identification field, the first address field for maintaining a first address type of a contact; and a second address field associated with the identification field, the second address field for maintaining a second address type of the contact (Fig.4 shows different types of contact information associated with a user).

**As for independent claim 10:**

Grossman shows a graphical user interface (GUI) comprising:

- a first user-selectable portion having associated text that includes "email", the first user-selectable portion to initiate addition of an email address for a contact into an address box of an electronic message; a second user-selectable portion having associated text that includes "phone", the second user-selectable portion to initiate addition of a telephone number for the contact into the address box of the electronic message (see Fig. 4, 0053).

**As for independent claim 11:**

Grossman shows a messaging method comprising:

- initiating presentation of a first user-selectable item for viewing a collection of contact information (0048);
- receiving a signal indicating a user selection of the first user-selectable item (0050);
- initiating a graphical user interface (GUI) element to present an address menu comprising contact information for at least one potential addressee, the address menu having a first selectable address and a selectable second address for the at least one potential addressee (0053, Fig. 7 shows multiple address fields for a messaging receipt option).

**As for dependent claim 12:**

Grossman shows the *method of claim 11 further comprising: recognizing a selection of the first address and the second address; and initiating presentation of the first address and the second address in an address box* (Fig. 4).

**As for dependent claim 13:**

Grossman shows the *method of claim 11, further comprising: receiving a signal indicating a request to prepare an outgoing message; and initiating presentation of a messaging graphical user interface (GUI) to present a message composition template comprising an address box and a message input box* (Figs 4 and 7, 0059).

**As for dependent claim 14:**

Grossman shows the *method of claim 11, further comprising: modifying the address menu in response to a user input comprising addition of another potential addressee; subsequently initiating the graphical user interface (GUI) element; and presenting the address menu as comprising contact information for the at least one potential addressee and the another potential addressee* (0059).

**As for dependent claim 15:**

Grossman shows the *method of claim 11, further comprising: receiving a signal indicating a request to prepare an outgoing message; presenting a messaging graphical user interface (GUI) element to present a message composition template comprising an address box and a message input box; recognizing a selection of the first address; and initiating presentation of the address box populated with the first address* (Figs 4 and 7, 0059, 0060).

**As for dependent claim 16:**

Grossman shows the *method of claim 11, further comprising: receiving a signal indicating a request to prepare an outgoing message; presenting a messaging graphical user interface (GUI) element to present a message composition template comprising an address box and a message input box; recognizing a selection of the first address; initiating presentation of the address box populated with the first address; and initiating presentation of a second user-selectable item having associated text that includes "send"* (0059 and 0060).

**As for dependent claim 17:**

Grossman shows the *method of claim 16, further comprising: recognizing a selection of the second address; receiving a signal indicating a user selection of the second user-selectable item; and initiating communication of the outgoing message to the first address and the second address* (0053, 0059 and 0060).

**As for dependent claim 18:**

Grossman shows the *method of claim 17 further comprising attaching a file to the outgoing message* (Fig. 4).

**As for dependent claim 20:**

Claim 20 contains similar substantial subject matter as claimed in claim 1 and is respectfully rejected along the same rationale.

***Claim Rejections - 35 USC § 103***

**3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al., US PG PUB# 2004/0119761 A1 (hereinafter Grossman) in view of Landesmann, US# 7,072,943 B2.**

**As for dependent claims 7 and 8:**

Grossman teaches the above limitations (see claim 1, *supra*). Grossman shows/suggests a messaging system that has the ability to send messages to a plurality of communication type such as email address, instant messaging, facsimile, and telephone. Grossman further shows the messaging system have the ability to place a call to a desired contact. Grossman does not specifically shows a *short messaging service address*, *an enhanced messaging service address*, and a *multimedia messaging service address* as communication type. However in the same field of invention Landesmann teaches a system which route email to a handheld device such as PDA or Cell phone (Landesmann, 6: 13-40). In addition an Official Notice is taken that communication type: *short messaging service address*, *an enhanced messaging service address*, and *a multimedia messaging service address* are well known in the art, such as shown in O'Neil et al, US# 7,127,232 R2. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made modify the system of Grossman to incorporate routing email messages to a mobile device as taught by Landesmann, thus allowing the desired contact to receive messages through their handheld device (Landesmann, 6: 13-40)

6. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al., US PG PUB# 2004/0119761 A1 (hereinafter Grossman) in view of Landesmann, US# 7,072,943 B2, and in further view of Fernandes, US# 6,014,135.**

**As for dependent claim 9:**

Grossman shows/suggests the above limitations (see claims 1, 7 and 8, *supra*). Grossman further shows/suggests the messaging system sharing file between the user and the desired contact (Fig. 4). Grossman does not specifically show the *system of claim 8, further comprising an attachment engine operable to convert a file attached to an outgoing message into a format receivable by a device associated with a messaging receipt option*. Fernandes teaches a messaging system which convert one message format type to another message type (Fernandes, 13: 45-53). Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Grossman and Landesmann to incorporate the converting message type function in a messaging system

as taught by Fernandes, thus allowing the desired user to receive the intended message through various devices.

7. **Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman et al., US PG PUB# 2004/0119761 A1 (hereinafter Grossman) in view Fernandes, US# 6,014,135.**

**As for dependent claim 19:**

Grossman shows/suggests the above limitations (see claims 11, *supra*). Grossman further shows/suggests the messaging system sharing file between the user and the desired contact (Fig. 4). Grossman does not specifically show the *method of claim 18 further comprising converting the file into a format receivable by a device associated with the first address*. Fernandes teaches a messaging system which convert one message format type to another message type (Fernandes, 13: 45-53). Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Grossman to incorporate the converting message type function in a messaging system as taught by Fernandes, thus allowing the desired user to receive the intended message through various devices.

**It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).**

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating “in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” Further MPEP 2123, states that “a reference may be relied upon for all that it would have reasonably suggested to one having

**ordinary skill the art, including nonpreferred embodiments. Merck & Co. v. Biocraft Laboratories, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).**

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP



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